IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 11826 of 2007(G)

PETITIONER:

THALHATH C.P., S/O SAIDALAVI,
T.M.26/504, CHULLIPPARAMBIL HOUSE,
NADUVILANGADI, P.O.POOKAYIL,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:

1. THE GENERAL MANAGER,
   B.S.N.L MALAPPURAM.

2. THE ACCOUNTS OFFICER,
   OFFICE OF THE GENERAL MANAGER,
   B.S.N.L.MALAPPURAM.

3. THE DEPUTY TAHSILDAR,
   REVENUE RECOVERY,
   TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.V.R.KESAVAKAIMAL, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.11826 of 2007

==========

Dated this the 4th day of April, 2007

J U D G M E N T

The petitioner is a former STD Telephone Booth Operator under a licence granted by the BSNL. He is aggrieved by the action of the BSNL in demanding huge arrears, which according to him, is not due from him. The petitioner approached the Consumer Disputes Redressal Forum for appropriate reliefs. However, he could not move the CDRF for stay of recovery since for want of appointment of members of the Forum, the Forum was not sitting. In the above circumstances, the petitioner moved this court by filing W.P(C).No.2793/2007, in which a learned Single Judge of this court, by Ext.P3 judgment, directed that if the petitioner pays Rs.50,000/- within two weeks from the date of the judgment, recovery pursuant to the impugned recovery notice shall remain in abeyance for a

period of two months or till the Forum resumes sitting, whichever is earlier. The grievance of the petitioner is that since the Forum has not resumed sitting and the period of two months is over, he is nowhere and therefore, this court should extend the stay, especially since he has already paid the amount of Rs.50,000/- as directed in Ext.P3 judgment. I am not satisfied that the petitioner's remedy lies in filing a fresh writ petition. The proper course open to the petitioner is to file a petition for extension of time or for extension of stay granted by Ext.P3 judgment in W.P(C). No.2793/2007. Accordingly, without prejudice to such right, this writ petition is dismissed.

sdk+ S.SIRI JAGAN, JUDGE